

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD C. WILLIAMS,

Case No. 3:24-cv-00284-ART-CLB

Plaintiff,

ORDER

v.

STEPHANIE ROMAN,

Defendant.

Plaintiff Ronald C. Williams brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Ely State Prison. (ECF No. 9.) On January 29, 2025, this Court ordered Plaintiff to file an amended complaint by February 28, 2025. (ECF No. 8 at 13, 15.) The Court warned Plaintiff that the action could be dismissed if he failed to file an amended complaint by that deadline. (*Id.* at 13, 16.) That deadline expired and Plaintiff did not file an amended complaint, move for an extension, or otherwise respond.

I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of L.A.*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in

1 expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3)
2 the risk of prejudice to the defendants; (4) the public policy favoring disposition
3 of cases on their merits; and (5) the availability of less drastic alternatives. See
4 *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006)
5 (quoting *Malone*, 833 F.2d at 130).

6 The first two factors, the public’s interest in expeditiously resolving this
7 litigation and the Court’s interest in managing its docket, weigh in favor of
8 dismissal of Plaintiff’s claims. The third factor, risk of prejudice to Defendant,
9 also weighs in favor of dismissal because a presumption of injury arises from the
10 occurrence of unreasonable delay in filing a pleading ordered by the court or
11 prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir.
12 1976). The fourth factor—the public policy favoring disposition of cases on their
13 merits—is greatly outweighed by the factors favoring dismissal.

14 The fifth factor requires the Court to consider whether less drastic
15 alternatives can be used to correct the party’s failure that brought about the
16 Court’s need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983,
17 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before*
18 the party has disobeyed a court order does not satisfy this factor); accord
19 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that
20 “the persuasive force of” earlier Ninth Circuit cases that “implicitly accepted
21 pursuit of less drastic alternatives prior to disobedience of the court’s order as
22 satisfying this element[,]” *i.e.*, like the “initial granting of leave to amend coupled
23 with the warning of dismissal for failure to comply[,]” have been “eroded” by
24 *Yourish*). Courts “need not exhaust every sanction short of dismissal before
25 finally dismissing a case, but must explore possible and meaningful
26 alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).
27 Because this action cannot realistically proceed until and unless Plaintiff files
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1 an amended complaint, the only alternative is to enter a second order setting
2 another deadline. But the reality of repeating an ignored order is that it often
3 only delays the inevitable and squanders the Court's finite resources. The
4 circumstances here do not indicate that this case will be an exception: there is
5 no hint that Plaintiff needs additional time or evidence that he did not receive
6 the Court's screening order. Setting another deadline is not a meaningful
7 alternative given these circumstances. So the fifth factor favors dismissal.

8 **II. CONCLUSION**

9 Having thoroughly considered these dismissal factors, the Court finds that
10 they weigh in favor of dismissal. It is therefore ordered that this action is
11 dismissed without prejudice based on Plaintiff's failure to file an amended
12 complaint in compliance with this Court's January 29, 2025, order. The Clerk of
13 Court is kindly requested to enter judgment accordingly and close this case. No
14 other documents may be filed in this now-closed case. If Plaintiff wishes to
15 pursue his claims, he must file a complaint in a new case.

16 It is further ordered that Plaintiff's application to proceed *in forma pauperis*
17 (ECF No. 1) is granted. Plaintiff is not required to pay an initial installment fee,
18 but the full \$350 filing fee will still be paid in installments under 28 U.S.C. §
19 1915.

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1 It is further ordered that, under 28 U.S.C. § 1915, the Nevada Department
2 of Corrections will forward payments from the account of **RONALD C.**
3 **WILLIAMS, # 87832** to the Clerk of the United States District Court, District of
4 Nevada, at a rate of 20% of the preceding month's deposits (in months that the
5 account exceeds \$10.00) until the full \$350 filing fee has been paid for this
6 action. The Clerk of Court is kindly requested to send a copy of this order to the
7 Finance Division of the Clerk's Office and to the Chief of Inmate Services for the
8 Nevada Department of Corrections at formapauperis@doc.nv.gov.

9 DATED: March 17, 2025.

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13 ANNE R. TRAUM
14 UNITED STATES DISTRICT JUDGE
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